

REMARKS

Currently Claims 1-16 and 20-23 are pending. Applicants appreciate the indication that Claims 1-11 and 15-16 are allowed.

Claims 7, 12-14 and 21-23 have been amended. Support for the amended claims can be found throughout the Specification. No new matter is added.

Applicants address each of the rejections below, in the order in which they are presented in the Office Action.

Information Disclosure Statement

The Office Action states that none of the references listed on the information disclosure statement submitted on September 1, 2004 were considered because the foreign patent documents were not provided. Applicants respectfully submit that the foreign patent documents disclosed on September 1, 2004 were cited on the International Search Report. Applicants understood that copies had been supplied to the U.S. Patent Office by the International Bureau. Please indicate if this did not occur for some reason, and Applicants will gladly provide the Examiner with copies of these documents. Applicants request consideration of the references cited and return of a fully initialed copy with the next communication.

Specification

Claim 7 was objected to because the word "claim" in line 2 of claim 7 should be plural. Applicants respectfully submit that this objection is moot in light of the current amendment to Claim 7. Applicants request withdrawal of this objection.

Claim 12 was objected to because the indefinite article "a" should be inserted between the words "comprises" and "particulate." Applicants have amended Claim 12 accordingly. Applicants request withdrawal of this objection.

Claims 13 and 14 was objected to because a space should be inserted between all numerical values and corresponding units of measurement. Applicants have so amended Claims 13 and 14. Applicants request withdrawal of this objection.

Claim Rejections Have Been Addressed

35 U.S.C. 112, First Paragraph

Claims 21-23 were rejected under 35 U.S.C. 112, first paragraph. The Office Action states that the specification while being enabling for the treatment of asthma, COPD and rhinitis, does not reasonably provide enablement for all respiratory diseases. Without addressing the merits of this rejection and to expedite prosecution, Applicants have amended Claims 21-23. Applicants respectfully requests withdrawal of this rejection.

35 U.S.C. 112, Second Paragraph

Claims 13, 20 and 22 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 13 was rejected as being indefinite because “the range” and “the amount” have insufficient antecedent basis. Applicants have reworded Claim 13 to cover the same scope of invention without use of the terms “the range” and “the amount.” Applicants respectfully requests withdrawal of this rejection.

Claim 20 was rejected as being indefinite because it refers to an activated derivative. The Office Action states that this term is not defined in the specification. However, this term is used in the context of intermediates (III)¹ and (III)² on page 16 of the specification. Furthermore, examples of activated derivatives are provided on page 16, lines 19-21. Applicants respectfully submit that the term “activated derivative,” as used herein, is not indefinite. Applicants respectfully requests withdrawal of this rejection.

Claim 22 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. However, the Office Action has not set forth grounds for this rejection. Applicants respectfully requests withdrawal of this rejection.

OTHER MATTER

The Examiner respectfully requests that the Applicants amend the specification to identify the parentage of the instant application as well as the foreign

priority. Applicants respectfully submit that such an amendment was submitted on September 1, 2004, page 2 of Preliminary Amendment A.

Conclusion

The concerns of the Examiner have been addressed in full. Applicants respectfully request withdrawal of the outstanding objections and rejections and issuance of a Notice of Allowance. Should the Examiner have any questions, Applicants encourage the Examiner to contact the undersigned, who can be reached at 919-483-1891.

Respectfully submitted:



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